

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

10/072629

Confirmation No.:

5122

Applicant

HSU et al.

Filing Date

February 8, 2002

Title

STRUCTURES THAT CORRECT FOR THERMAL DISTORTION IN

AN OPTICAL DEVICE FORMED OF THERMALLY DISSIMILAR

MATERIALS

Group Art Unit

2882

Examiner

T. Barber

Docket No.

703427.4

Customer No.

34313

Mail Stop Patent Application Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 RECEIVEL OCT 23 2003 TC 2800 MAIL ROOM

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING (37 CFR §1.8)

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Dated

10/16/2003

Signature of Person Mailing Docume

DOCSOC1:143139.1

Applicant Appl. No. Examiner Docket No.

HSU et al. 10/072629 T. Barber 703427.4

| • | INFORMATION DISCLOSURE STATEMENT FILING PROVISION: |
|----------------------------------|---|
| This ID | OS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), |
| that is (1) with | nin three months of the filing date of the application, which is not a continued |
| prosecution a | pplication filed under § 1.53(d); or (2) within three months of entry of the national |
| stage as set f | orth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the |
| merits; or (4) | before the mailing of a first Office action after filing a request for continued |
| examination u | under § 1.114. Thus, no fee is required. |
| | However, if the undersigned is in error in this regard, Applicant respectfully |
| | requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if |
| • | applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit |
| | account referenced below. |
| | However, if the undersigned is in error in this regard, Applicant respectfully |
| | requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if |
| | applicable, and a statement under 37 CFR § 1.97(e) is included below, thus |
| • | no fee is required. |
| ⊠ This I | OS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office |
| action on the | merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance |
| under 37 CFF | R§ 1.311. |
| | The fee due under 37 CFR § 1.17(p) is submitted herewith. |
| | A statement under 37 CFR § 1.97(e) is included below, thus no fee is |
| | required. In the event that this IDS is not received before a Final Action or a |
| ا المحمد المطالع والأستان الم | Notice of Allowance, then Applicant respectfully requests that the Office |
| | consider the filing of these papers to be submitted under 37 CFR § 1.97(d) |
| | and charge the fee due under 37 CFR § 1.17(p) to the deposit account below. |
| This I | OS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 |
| | or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue |
| • | nent under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR |
| § 1.17(p) is s | ubmitted herewith. |
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 Applicant
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 Examiner
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 T. Barber

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| STATEMENT UNDER 37 CFR § 1.97(e): |
|--|
| Each item contained in this IDS was first cited in any communication from a foreign |
| patent office in a counterpart foreign application not more than three months prior to the filing of |
| this IDS. |
| No item contained in this IDS was cited in a communication from a foreign patent office |
| in a counterpart foreign application, and, to the knowledge of the person signing this statement |
| after making reasonable inquiry, no item of information contained in this IDS was known to any |
| individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS. |
| |
| PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES: |
| A check in the amount of is enclosed for the above fee(s). |
| Please charge to Deposit Account No. 15-0665 for the above fee(s). |
| |
| papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account |
| No. 15-0665. |
| Respectfully submitted, |
| ORRICK, HERRINGTON & SUTCLIFFE LLP |
| |
| (1) |
| Dated: 10/16/03 By: |
| David E. Wang |

Orrick, Herrington & Sutcliffe LLP 4 Park Plaza, Suite 1600 Irvine, CA 92614-2558 Tel. 949-567-6700

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Approved for use through 7/31/03. OMB 0651-0031

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| Substitute for f | orm 1449A/PTO | | | Complete if Known | | | |
| OIPE | r- | | | Application Number | 10/072629 | | |
| ```` | FORMATION | N DISCLOSUF | RE | Filing Date | February 8, 2002 | | |
| OCT 2 J 2003 STATEMENT BY APPLICANT | | | | First Named Inventor | HSU et al. | | |
| - 2003 | | | | Group Art Unit | 2882 | | |
| Ca TOLOTELE PLO | , (use as manv sh | eets as necessary) | | Examiner Name | T. Barber | | |
| Sheet | 1 | of | . 1 | Attorney Docket Number | 703427.4 | | |

| U.S. PATENT DOCUMENTS | | | | | | | | |
|-----------------------|-----------|----------------------|------------------------|------------------|-----------------------------|--|--|--|
| Examiner | T | U.S. Patent Document | | Publication Date | Name of Patentee or | | | |
| Initials | Cite No.1 | Number | Kind Code ² | MM-DD-YYYY | Applicant of Cited Document | | | |
| | AA | 5612815 | | 03/18/1997. | Labeye et al. | | | |
| | AB | 5848206 | | 12/08/1998 | Labeye et al. | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | | | |
|--------------------------|-----------|-------------------------|---------------------|------------------------|------------------|-----------------------------------|------------------|--|--|
| Examiner | | Foreign Patent Document | | | Publication Date | Name of Patentee or | ′ _ 6 | | |
| Initials | Cite No.1 | Country ³ | Number ⁴ | Kind Code ⁵ | MM-DD-YYYY | Applicant of Cited Document | 11 | | |
| | ВА | DE | 3817035 | C1 | 8/17/1889 | Messerschmitt-Bölkow-Blom GmbH | N | | |
| | ВВ | FR | 00 15751 | A1 | 06/07/2002 | Opsitech Optical System Chip | Ŋ | | |
| | ВС | wo | 01/77742 | A2 | 10/18/2001 | Lightwave Microsystems Corp. | Υ | | |

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| Examiner | DOCSOC1:143138.1 | | ΄. | Date | | |
| Signature | | | | Considered | <u> </u> | |

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is govern by 35 USC 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450